

# **DEPARTMENT OF FISH AND GAME LAKE AND STREAMBED ALTERATION PROGRAM**

## **Notification Package**

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify the Department before beginning any activity that will substantially modify a river, stream, or lake.

In order to notify the Department, you must submit a complete notification package and fee to the Department regional office that serves the county where your project will take place. The notification package includes the following:

- A description of the process you need to complete to notify the Department and obtain a Lake or Streambed Alteration Agreement
- Notification of Lake or Streambed Alteration form (FG 2023) and instructions to complete it
- Project Questionnaire form (FG 2024)
- A copy of the fee schedule that lists the fees you need to submit with your complete notification package and information regarding other charges that may apply to your project
- Questions and answers regarding the notification and agreement process

# Notification Package

## Instructions and Process

### Part I: Notification Requirements

This section provides step-by-step instructions on how to notify the Department before beginning an activity that will substantially modify a river, stream, or lake. For more detailed information on the Department's Lake and Streambed Alteration Program, you should refer to the enclosed "Questions and Answers" or contact the Department's regional office that serves the county where your project will take place (see below).

#### A. Introduction

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify the Department before beginning any activity that will do one or more of the following: 1) substantially obstruct or divert the natural flow of a river, stream, or lake; 2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or 3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake. Fish and Game Code section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. If you are not certain that your proposed activity requires notification, the Department recommends that you notify.

#### B. Notifying the Department

In order to notify the Department of an activity described above, you will need to complete the following steps:

**Step 1:** Complete the enclosed Notification of Lake or Streambed Alteration form (FG 2023). (See Part II for instructions to complete this form.)

**Step 2:** Complete the enclosed Project Questionnaire form (FG 2024). The Operator must sign and date the questionnaire. Attach or enclose any information or documents that relate to the responses in the questionnaire.

**Step 3:** Determine the notification fees you will need to submit with your completed notification package by referring to the enclosed fee schedule. Please note that these fees cover the Department's costs to process notifications and prepare Lake and Streambed Alteration Agreements. As discussed below, if your project needs to be reviewed under the California Environmental Quality Act (CEQA), you will need to submit a deposit at a later date to cover the Department's initial CEQA review costs and be responsible for paying any additional CEQA-related costs. These CEQA-related costs will be in addition to the fees you submit with your completed notification package.

**Step 4:** Submit the above completed forms, attachments or enclosures, and applicable fees to the Department regional office that serves the county where your project will take place:

**North California and North Coast (Region 1)**

601 Locust Street  
Redding, CA 96001  
(530) 225-2300

**San Joaquin Valley and Southern Sierra (Region 4)**

1234 East Shaw Avenue  
Fresno, CA 93710  
(559) 243-4005

**Sacramento Valley and Central Sierra (Region 2)**

1701 Nimbus Road  
Rancho Cordova, CA 95670  
(916) 358-2900

**South Coast (Region 5)**

4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 636-3160

**Central Coast (Region 3)**

7329 Silverado Trail  
P.O. Box 47  
Yountville, CA 94599  
(707) 944-5500

**Eastern Sierra and Inland Deserts (Region 6)**

4665 Lampson Avenue, Suite J  
Los Alamitos, CA 90720  
(562) 430-7212

**Part II: Instructions for Completing Notification of Lake or Streambed Alteration Form (FG 2023)**

In order to notify the Department of an activity that will substantially modify a river, stream, or lake as required by Fish and Game Code section 1602, you will need to complete the enclosed Notification of Lake or Streambed Alteration (FG 2023) and Project Questionnaire (FG 2024) forms and submit them to the appropriate Department regional office with any attachments or enclosures and notification fees.

You must complete ***all*** fields in the forms and provide as much detail as possible so the Department can properly evaluate your project to determine whether a Lake or Streambed Alteration Agreement is required. ***The Department will not begin processing your notification until it determines that your notification package is complete.*** Below are instructions to complete the Notification of Lake or Streambed Alteration (FG 2023) form.

**Step 1: Notification Type.** Identify the notification type by marking the appropriate boxes.

**Timber Harvesting Plan**

Mark this box if the project is part of a timber harvesting plan and provide the number assigned to the plan.

## **Commercial Gravel Operation**

Mark this box if the project involves the commercial mining or extraction of gravel, sand, rock, or aggregate materials.

## **Water Application**

Mark this box if the project is part of an application for a water right permit and provide the number assigned to the application.

## **Other**

Mark this box if the project is not part of a timber harvesting plan, does not involve the commercial mining or extraction of gravel, sand, rock, or aggregate materials, and is not part of an application for a water right permit.

**Step 2: Applicant Information.** Provide the applicant information below.

### **Applicant**

The name, address, and telephone and fax numbers of the person, business, or agency who is completing the notification form on behalf of the operator and is knowledgeable about the project.

### **Operator**

The name, address, and telephone and fax numbers of the person, business, or agency who will sign and be responsible for complying with the terms and conditions of any Lake or Streambed Alteration Agreement, if different from the applicant.

### **Contractor**

The name, address, and telephone and fax numbers of the person, business, operator, or the State or local government agency or public utility the operator represents, has hired, or will be hiring to complete the project, if known. If a contractor has not been hired, you may leave the name, address, and telephone number boxes blank. If the operator will be completing the project, indicate this in the name box.

### **Contact Person**

The name, address, and telephone and fax numbers of the person the Department should contact regarding the project.

## **Property Owner**

The name, address, and telephone and fax numbers of the owner of the property where the project will take place, if different from the operator.

**Step 3: Location Information.** Provide the following project location information.

## **Location Description**

Provide the location/address and a map showing where the project will take place. The map should include distances and/or directions from the nearest city or town, known landmarks, access roads, and other information that would allow a person not familiar with the area to find the project site.

## **County**

The name of the county where your project will take place.

## **Assessor's Parcel Number**

The Assessor's Parcel Number of the property where your project will take place, if known.

## **United States Geological Survey (USGS) Map**

The name of the USGS 7.5 minute quadrangle map that includes the property where your project will take place, if known.

## **Section, Township, and Range**

The section, township, and range numbers of the property where the project will take place.

## **Latitude and Longitude**

The latitude and longitude of the property where the project will take place. Provide decimal degrees, if known.

## **Name of River, Stream, or Lake**

The name of the river, stream, or lake in which or near where your project will take place. If not named, please write "unnamed tributary" in this box.

## **Tributary**

The name of the watercourse or waterbody to which the above river, stream, or lake is tributary.

**Step 4: Project Description.** Provide the project information below.

### **Name**

The name of the project, if applicable.

### **Start and Completion Dates**

The month, year, and, if known, day, you propose to begin and complete the project. ***You must provide this information for your notification to be complete for both regular and long-term agreements.*** The Department may restrict your work to certain dates depending on fish migration or other resource concerns.

### **Estimated Project Cost**

The estimated cost to complete the project. For purposes of this section, “project” refers only to that part of the project that will substantially modify a river, stream, or lake, and not the entire project. After you determine your estimated project cost, refer to the enclosed fee schedule to determine whether you will need to submit a fee in addition to your non-refundable notification fee, and, if so, the amount of the additional fee. The Department may require you to submit information that evidences the cost of the project. Also, the Department may require you to pay additional fees if you are applying for a long-term agreement.

### **Number of Stream Encroachments**

This information needs to be provided only if your project is part of a timber harvesting plan. Stream encroachments include watercourse crossings and water diversions. You should use this number to determine the notification fee you will need to submit with your completed notification package.

### **Describe the Project**

Provide a detailed description of the proposed project, including: the type of equipment that will be used to complete the project; anticipated temporary and permanent impacts on wetland and/or riparian vegetation and fish and wildlife resources, if any; construction plans and drawings, if applicable; and site conditions both before and after the project is completed. You should continue this information on attached separate pages, if necessary, and include the name of the applicant and river, stream, or lake at the top of each attachment. If the project is part of a timber harvesting plan, identify the plan in the project description.

### **Step 5: Attachments/Enclosures**

Attach or enclose the following required documents with your notification package and mark each box on the Notification of Lake or Streambed Alteration (FG 2023) showing that the document is attached or enclosed.

- Project description
- Map showing the location where the project will take place. The map should include distances and/or directions from the nearest city or town, known landmarks, access roads, and other information that would allow a person not familiar with the area to find the project site.
- Construction plans and drawings pertaining to the proposed project, if applicable. Plans and drawings may be in the form of blueprints, structural designs, diagrams, or sketches.
- If an agency other than the Department is the lead agency for the project, a copy of any document prepared pursuant to CEQA, which includes one or more of the following:
  - Notice of exemption
  - Negative declaration
  - Mitigated negative declaration
  - Draft or final environmental impact report
  - Notice of determination
- Copies of local, State, or federal permits, agreements, or other authorizations you have already obtained. Include the name or a brief description of each permit, agreement, or authorization on the Notification of Lake or Streambed Alteration form (FG 2023).

**Step 6: Signature.** The operator or the operator's authorized representative must sign and date the Notification of Lake or Streambed Alteration form (FG 2023) in the space provided at the end of the form. If the owner of the property where the proposed project will take place does not consent to having a Department representative inspect the property without first scheduling an inspection date and time, you should mark the box above the signature line and provide a daytime telephone number. You should also mark this box if a locked gate prevents access to the property or the property owner or the property owner's representative needs to be present when the Department representative visits the property. Please note that if the Department will need to schedule a date and time to inspect the property, this may delay the Department's evaluation of the project.

### **Part III: Processing Your Notification**

After the Department receives your notification package, it will determine whether or not your notification is complete. If you do not provide the Department with the information it needs to evaluate your project and the notification fee, the Department may consider your notification to be incomplete. If this occurs, the Department may return your notification materials and specify the information or materials you will need to provide the Department when you resubmit your notification. ***Your notification is not effective unless it is complete.*** As a result, in order to avoid any potential delay, it is important that you fill out the Notification of Lake or Streambed Alteration (FG 2023) and Project Questionnaire (FG 2024) forms completely and accurately and submit these forms to the appropriate Department regional office with all applicable attachments or enclosures, any other information that will assist it in evaluating your project, and the appropriate notification fees.

After the Department determines that your notification package is complete, it will assign your notification to field staff who will evaluate your project and determine whether you will need a Lake or Streambed Alteration Agreement. In some instances, the Department may need to conduct an on-site inspection to make this determination. An agreement will be required if the project could substantially adversely affect an existing fish and wildlife resource. If the Department determines that an agreement is required, it will submit a draft Lake or Streambed Alteration Agreement for your review that will include measures to protect fish and wildlife resources while conducting the project. If you agree with the measures included in the draft agreement, you will need to sign the agreement and submit it to the Department. If you disagree with any measures in the draft agreement, you may meet with the Department to resolve the disagreement. If you cannot resolve the disagreement informally, you may request an arbitration panel to resolve the disagreement.

After the Department receives the signed draft agreement, it will make it final by signing it. However, the Department will not sign the agreement until it receives your notification fees and complies with CEQA. After you receive the final agreement, you may begin the project the agreement covers, provided you have obtained any other necessary local, State, and federal authorizations.

The enclosed "Questions and Answers" includes information regarding CEQA and CEQA-related costs, the time periods that apply to the processing of notifications for regular and long-term agreements and the submittal of draft agreements, and other information regarding the notification and agreement process.



For Department Use Only					
Notification Number:		Date Received		Date Completed	
Fee Enclosed?	<input type="checkbox"/> Yes \$ _____ <input type="checkbox"/> No _____				
Action Taken/Notes					

**STATE OF CALIFORNIA**  
**THE RESOURCES AGENCY**  
**DEPARTMENT OF FISH AND GAME**

**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**

All fields must be completed unless otherwise indicated.  
 (See enclosures for instructions.)

Notification Type	
<input type="checkbox"/> Timber Harvesting Plan (No. _____)	<input type="checkbox"/> Water Application (No. _____)
<input type="checkbox"/> Commercial Gravel Extraction (No. _____)	<input type="checkbox"/> Other _____

Application Information			
	Name	Address	Telephone/FAX
<b>Applicant:</b>			Business: Fax:
<b>Operator:</b>			Business: Fax:
<b>Contractor:</b> (if known)			Business: Fax:
<b>Contact Person:</b> (if not applicant)			Business: Fax:
<b>Property Owner:</b>			Business: Fax:

Project Location					
Location Description:					
County			Assessor's Parcel Number		
USGS Map	Township	Range	Section	Latitude/Longitude	
Name of River, Stream, or Lake:					
Tributary To?					

**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**

(Continued)

Name of Applicant: \_\_\_\_\_

Project Description							
<b>Project Name:</b>							
<b>Start Date:</b>		<b>Completion Date:</b>		<b>Project Cost:</b>	\$	<b>Number of Stream Encroachments: (Timber Harvesting Plans Only)</b>	
<b>Describe project below:</b> (Attach separate pages if necessary)							
<input type="checkbox"/> Continued on separate page (s)							

Attachments/Enclosures		
<b>Attach or enclose the required documents listed below and check the corresponding boxes.</b>		
<input type="checkbox"/> Project Description	<input type="checkbox"/> Map showing project location, including distances and/or directions from nearest city or town	<input type="checkbox"/> Construction plans and drawings pertaining to the project
<b>Completed CEQA documents:</b>	<input type="checkbox"/> Notice of Exemption <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Draft or Final Environmental Impact Report	<input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Notice of Determination
<b>Copies of applicable local, State, or federal permits, agreements, or other authorizations:</b>	<input type="checkbox"/> Local. Describe:	
	<input type="checkbox"/> State. Describe:	
	<input type="checkbox"/> Federal. Describe:	

I hereby certify that all information contained in this notification is true and correct and that I am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider this notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand that this notification is valid only for the project described herein and that I may be subject to civil or criminal prosecution for undertaking a project that differs from the one described herein, unless I have notified the Department of that project in accordance with Fish and Game Code Section 1602.

I understand that a Department representative may need to inspect the property where the project described herein will take place before issuing a Lake or Streambed Alteration Agreement pursuant to this notification. In the event the Department determines that a site inspection is necessary, I hereby authorize the Department to enter the property where the project described herein will take place to inspect the property at any reasonable time and certify that I am authorized to grant the Department permission to access the property.

☐ I request the Department to first contact me at (insert telephone number) \_\_\_\_\_ to schedule a date and time to enter the property where the project described herein will take place and understand that this may delay the Department's evaluation of the project described herein.

\_\_\_\_\_  
Operator or Operator's Representative\_\_\_\_\_  
Date



## Lake and Streambed Alteration Program Project Questionnaire

Complete the following questionnaire and submit it with your notification package. Please attach or enclose any additional information or documents that support or relate to your response.

	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
1. Will the project or activity involve work on the bank of a river, stream, or lake?				
2. If you answered "yes" to #1, will the project or activity involve any of the following:				
a. Removal of any vegetation?				
b. Excavation of the bank?				
c. Placement of piers?				
d. Placement of bank protection or stabilization structures or materials (e.g., gabions, rip-rap, concrete slurry/sacks)?				
3. Will the project or activity take place in, adjacent to, or near a river that has been designated as "wild and scenic" under state or federal law?				
4. Will the project or activity involve work in the bed or channel of a river, stream, or lake?				
5. Will the project or activity involve the placement of any permanent or temporary structure in a river, stream, or lake?				

	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
6. Will the project involve the use of material from a streambed?				
7. Will the project or activity result in the disposal or deposition of debris, waste, or other material in a river, stream, or lake?				
a. If you answered "yes" to #7, describe the material that will be disposed of or deposited in the river stream, or, lake:				
8. Will any type of equipment be used in a river, stream, or lake?				
a. If you answered "yes" to #8, describe the type of equipment that will be used:				
9. Does the project or activity area flood or periodically become inundated with water?				
10. Will water need to be diverted from a river, stream, or lake for the project or activity?				
11. If you answered "yes" to #10, please answer the following:				
a. Will this be a temporary diversion?				
b. Will water quality be affected by the deposition of silt, an increase in water temperature, a change in the pH level, or in some other way?				
c. Will the water be diverted by means of a dam, reservoir, or other water impoundment structure?				
12. Will the project or activity be done pursuant to a water right application or permit?				
13. a. Has a wildlife assessment or study been completed for the area where or near where the project or activity will take place? (If "yes", attach or enclose a copy of the assessment or study.)				

	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
14. Will the project or activity affect fish, amphibians, insects, or other aquatic resources?				
15. Will the project or activity affect terrestrial wildlife?				
16. Are any endangered or rare plant species thought or known to occur in the area where the proposed project or activity will take place?				
17. Are any endangered or threatened fish, bird, or animal species thought or known to occur in the area where the proposed project or activity will take place?				
18. Have you contacted any other local, State, or federal agency regarding the project or activity?				
a. If you answered "yes" to #18, please list the names of the agencies you have contacted:				
19. Have you applied for or obtained any permit, agreement, or other authorization for your project or activity from any government agency?				
a. If you answered "yes" to #19, please list the names or describe the permit, agreement, or authorization you have applied for or obtained:				
20. Have any environmental documents pertaining to your project or activity been prepared?				
a. If you answered "yes" to #20, please list the environmental documents that have been prepared:				

*I hereby certify that all information contained in this form is true and correct and that I am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider my notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement issued pursuant to my notification.*

Operator or Operator's Representative

Date

# **Notification Package**

## **Fees for Lake and Streambed Alteration Agreements**

**(Cal. Code Regs., tit. 14, § 699.5)**

Use the fee schedule below to determine the fees you will need to submit to the Department with your complete notification package. If you need to determine the cost of your project to calculate your fees, project cost as used in the fee schedule refers only to the cost of that part of the project that requires a Lake or Streambed Alteration Agreement.

(a) Definitions.

(1) For purposes of this section, the following definitions apply:

(A) "Activity" means any activity that by itself would be subject to subdivision (a) of section 1602 of the Fish and Game Code.

(B) "Agreement" means a lake or streambed alteration agreement issued by the department.

(C) "Agreement for routine maintenance" means an agreement that: (1) covers only multiple routine maintenance projects that the entity will complete at different time periods during the term of the agreement; and (2) describes a procedure the entity must follow for any maintenance projects the agreement covers.

(D) "Agreement for timber harvesting" means an agreement of five years or less that covers one or more projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection.

(E) "Department" means the California Department of Fish and Game.

(F) "Extension" means either a renewal of an agreement executed prior to January 1, 2004, or an extension of an agreement executed on or after January 1, 2004.

(G) "Master agreement" means an agreement with a term of greater than five years that: (1) covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and (2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers.

An example of a project for which the department would issue a master agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification. The master agreement will specify a process the department and entity will follow before each project begins and may identify various measures the entity will be required to incorporate as part of each project in order to protect fish and wildlife resources. As a general rule, the process specified in the master agreement will require the entity to notify the department before beginning any project the agreement covers and submit a fee based on the cost of the project. After the department receives the notification, it will confirm that the master agreement covers the project and propose measures to protect fish and wildlife resources in addition to any included in the master agreement, if such measures are necessary for the specific project. A master agreement will typically, but not always, encompass one or more watersheds and/or relate to a habitat conservation plan or natural community conservation plan. By contrast, if the large-scale development proposal is comprised of, for example, multiple residences, golf courses, and associated infrastructure projects for which specific, detailed design plans have been prepared by the time the entity notifies the department and the entity is ready to begin those projects, the department would issue the entity a standard agreement.

(H) "Master agreement for timber operations" means an agreement with a term of greater than five years that: (1) covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a timber harvesting plan approved by the California Department of Forestry and Fire Protection; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement; and (2) describes a procedure the entity must follow for construction, maintenance, or other projects the agreement covers. For the purposes of this definition, "timberland" and "timber operations" have the same meaning as those terms are defined in sections 4526 and 4527 of the Public Resources Code, respectively.

(I) "Project" means either of the following as determined by the department:

1. One activity. An example of such a project is one that is limited to the removal of riparian vegetation at one location along the bank of a river, lake, or stream that will substantially change the bank.

2. Two or more activities that are interrelated and could or will affect similar fish and wildlife resources. An example of such a project is the construction of one bridge across a stream that requires the removal of riparian vegetation, the installation of abutments in or near the stream, and the temporary de-watering of the stream using a diversion structure. Each of those three activities together would constitute one project for the purpose of calculating the fee under this section because they are all related to the single purpose of constructing one bridge at one location. By contrast, the construction of three bridges and two culverts across a stream at five different locations would not constitute one project, but instead would constitute five projects, even if each

structure were to provide access to a common development site and/or were physically connected to each other by a road.

“Project” does not mean project as defined in section 21065 of the Public Resources Code or section 15378 of title 14 of the California Code of Regulations.

(J) “Standard agreement” means any agreement other than an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations.

(b) Standard Agreement.

(1) Fee if the term of the agreement is 5 years or less:

(A) \$200 if the project costs less than \$5,000.

(B) \$250 if the project costs from \$5,000 to less than \$10,000.

(C) \$500 if the project costs from \$10,000 to less than \$25,000.

(D) \$750 if the project costs from \$25,000 to less than \$100,000.

(E) \$1,100 if the project costs from \$100,000 to less than \$200,000.

(F) \$1,500 if the project costs from \$200,000 to less than \$350,000.

(G) \$2,250 if the project costs from \$350,000 to less than \$500,000.

(H) \$4,000 if the project costs \$500,000 or more.

(2) Fee if the term of the agreement is longer than 5 years:

(A) \$2,400 base fee, plus the fee specified in subdivision (b), paragraph (1).

(3) For the purpose of this subdivision, project cost means the cost to complete each project for which notification is required.

(4) As a general rule, a notification for a standard agreement should identify only one project. If an entity chooses to identify more than one project in a single notification, the department may require the entity to separately notify the department for one or more of the projects included in the original notification based on their type or location. If the notification includes more than one project, the fee shall be calculated by adding the separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than \$5,000 to complete, one of which will cost \$7,500 to complete, and one of which will cost \$17,500 to complete, the fee for the first project would be \$200, the fee for the second project would be \$250, and the fee for the



third project would be \$500. Hence, the total fee the entity would need to submit with the notification that identifies those three projects would be \$950.

(5) An entity may not obtain a standard agreement for any project identified in the notification that qualifies for an agreement for gravel, rock, or sand extraction, an agreement for timber harvesting, an agreement for routine maintenance, a master agreement, or a master agreement for timber operations unless the department agrees otherwise.

(6) Fee submittal:

(A) If the entity requests an agreement with a term of 5 years or less, the fee specified in paragraph (1) must be submitted with the notification.

(B) If the entity requests an agreement with a term longer than 5 years, the fee specified in paragraph (2) must be submitted with the notification.

(c) Agreement for Gravel, Sand, or Rock Extraction.

(1) Fee if the term of the agreement is 5 years or less:

(A) \$500 if the annual extraction volume identified in the notification is less than 500 cubic yards.

(B) \$1,000 if the annual extraction volume identified in the notification is 500 to less than 1,000 cubic yards.

(C) \$2,500 if the annual extraction volume identified in the notification is 1,000 to less than 5,000 cubic yards.

(D) \$5,000 if the annual extraction volume identified in the notification is 5,000 or more cubic yards.

(2) Fee if the term of the agreement is longer than 5 years:

(A) \$10,000 base fee, plus an annual fee of \$1,000.

(3) Fee submittal:

(A) If the entity requests an agreement with a term of 5 years or less, the fee specified in paragraph (1) must be submitted with the notification.

(B) If the entity requests an agreement with a term longer than 5 years, the base fee specified in paragraph (2) must be submitted with the notification.

(d) Agreement for Timber Harvesting.

(1) Fee:

(A) \$1,200 base fee, plus \$100 for each project.

(2) Fee submittal:

(A) The fee specified in paragraph (1) must be submitted with the notification.

(e) Agreement for Routine Maintenance.

(1) Fee if the term of the agreement is 5 years or less:

(A) \$1,200 base fee, plus \$100 for each maintenance project completed per calendar year.

(2) Fee if the term of the agreement is longer than 5 years:

(A) \$2,400 base fee, plus \$100 for each maintenance project completed per calendar year.

(3) Fee submittal:

(A) If the entity requests an agreement with a term of 5 years or less, the base fee specified in paragraph (1) at a minimum must be submitted with the notification.

(B) If the entity requests an agreement with a term longer than 5 years, the base fee specified in paragraph (2) at a minimum must be submitted with the notification.

(f) Master Agreement.

(1) Fee:

(A) \$30,000 base fee, plus:

1. An annual fee of \$2,500, unless the department specifies otherwise.

2. \$250 for each project the agreement covers, unless the department specifies otherwise.

(2) Fee submittal:

(A) The base fee specified in paragraph (1) at a minimum must be submitted with

the notification.

(g) Master Agreement for Timber Operations.

(1) Fee:

(A) \$7,500 base fee, plus:

1. An annual fee of \$1,000, unless the department specifies otherwise.

2. \$100 for each project the agreement covers, unless the department specifies otherwise.

(2) Fee submittal:

(A) The base fee specified in paragraph (1) at a minimum must be submitted with the notification.

(h) If an entity chooses to identify more than one project in a single notification, the total fee may exceed \$5,000 regardless of the term of the agreement.

(i) Extensions for Agreements.

(1) Fee:

(A) \$200.

(2) Fee submittal:

(A) The fee specified in paragraph (1) must be submitted with the request for an extension.

(3) For the purpose of this subdivision and subdivisions (j) and (k), an extension is not an amendment.

(j) Minor Amendments.

(1) Fee:

(A) \$150.

(B) For the purpose of this subdivision, a minor amendment is one that would not significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources.

(k) Major Amendments.

(A) \$500.

(B) For the purpose of this subdivision, a major amendment is one that would significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, or require additional environmental review pursuant to section 21000 *et seq.* of the Public Resources Code or section 15000 *et seq.* of title 14 of the California Code of Regulations.

(C) A project may not be added to an agreement by amendment unless the agreement specifies otherwise.

(l) California Environmental Quality Act ("CEQA").

(1) When the department is required to act as lead agency in administering or enforcing sections 1600–1616 of the Fish and Game Code, the department may charge and collect a reasonable fee from the entity to recover its estimated CEQA-related costs in accordance with section 21089 of the Public Resources Code. The department may recover its estimated CEQA-related costs by collecting from the entity one or more deposits. The amount of the first deposit shall be at least \$1,500. The department shall refund any unused deposit to the entity.

(m) Payment of Fees.

(1) The department may refuse to process a notification or a request for an extension or amendment until the department receives the proper fee or fees.

(n) Refunds.

(1) If an entity requests an agreement with a term longer than 5 years and the department denies the entity's request, the department will return the fees paid and instruct the entity to submit the applicable fee for an agreement with a term of 5 years or less.

(2) If after receiving a notification the department determines that notification is not required because the project is not subject to subdivision (a) of section 1602 of the Fish and Game Code, the department shall refund to the entity any fees submitted with the notification.

NOTE: Authority cited: Section 1609, Fish and Game Code. Section 21089, Public Resources Code. Reference: Section 1609, Fish and Game Code. Section 21089, Public Resources Code.

# Notification Package

## Questions and Answers

### 1. When must I notify the Department?

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify the Department before beginning any activity that will do one or more of the following: 1) substantially obstruct or divert the natural flow of a river, stream, or lake; 2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or 3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake. Fish and Game Code section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. If you are not certain that your proposed activity requires notification, the Department recommends that you notify.

### 2. How do I notify the Department?

In order to notify the Department, a person, state or local governmental agency, or public utility must submit a complete notification package and fee to the Department regional office that serves the county where the activity will take place. The notification package is available from any Department regional office and the Department's website at [www.dfg.ca.gov/1600/notification\\_pkg.html](http://www.dfg.ca.gov/1600/notification_pkg.html). The fee schedule- section 699.5 in title 14 of the California Code of Regulations- is included in the notification package. The Department's regional offices and the counties they serve are listed in the notification package and on the Department's website at [www.dfg.ca.gov/regions/regions.html](http://www.dfg.ca.gov/regions/regions.html).

### 3. What happens after I notify the Department?

After you notify the Department, the Department will determine whether your notification package is complete. The Department will make this determination within 30 calendar days of receiving the notification package if you are applying for a regular agreement (i.e., an agreement for a term of five years or less). If the notification package is incomplete, the Department will contact you and specify the information you need to provide to make it complete. The Department will not process your notification package until it receives the additional information. If your notification package is complete, the Department will process it as described below. The 30-day time period does **not** apply to notifications for long-term agreements (i.e., agreements for a term greater than five years).

After the Department receives a complete notification package, it will determine whether you will need a Lake or Streambed Alteration Agreement for your activity. An agreement will be required if the activity **could** substantially adversely affect an existing fish and wildlife resource. If an agreement is required, the Department will conduct an onsite inspection, if necessary, and

submit a draft agreement to you. The draft agreement will include measures to protect fish and wildlife resources while conducting the project. If you are applying for a regular agreement, the Department will submit a draft agreement to you within 60 calendar days after your notification is complete. The 60-day time period will not begin until your notification is complete. The 60-day time period does **not** apply to notifications for long-term agreements.

After you receive the draft agreement, you will have 30 calendar days to notify the Department whether the measures in the draft agreement are acceptable. If you agree with the measures included in the draft agreement, you will need to sign the agreement and submit it to the Department. If you disagree with any measures in the draft agreement, you must notify the Department in writing and specify the measures that are not acceptable. Upon written request, the Department will meet with you within 14 calendar days of receiving the request to resolve the disagreement. If you fail to respond, in writing, within 90 calendar days of receiving the draft agreement, the Department may withdraw that agreement.

After the Department receives the signed draft agreement, it will make it final by signing it. However, the Department will not sign the agreement until it receives your notification fee and complies with the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.) (see “4” below). After you receive the final agreement, you may begin the project the agreement covers, provided you have obtained any other necessary local, state, and federal authorizations.

If you disagree with any measures in the draft agreement and you and the Department cannot resolve the disagreement informally, you may request an arbitration panel to resolve the disagreement. If you request arbitration, a panel of arbitrators will be established within 14 calendar days of receiving the request. The panel will comprise three persons: your representative, a Department representative, and a third person mutually agreed upon by you and the Department who will serve as the panel’s chair. If you and the Department cannot agree upon the third person within the 14-day period, a court will appoint the third person. The third person must have scientific expertise relevant to the fish and wildlife resources your project could affect and to the measures in the draft agreement that are in dispute. Each party will be required to pay the expenses of their selected representative and pay one-half the expenses of the third person. The panel will issue a decision within 14 days after it is established. The decision must be based on the best scientific information reasonably available at the time of the arbitration, and will be issued in the form of a final agreement. The decision will be binding on you and the Department unless you or the Department successfully petition a court to correct or vacate the decision.

The time periods described above may be extended at any time by mutual agreement.

The notification package explains how to complete the notification package and the agreement process.

4. Does the Department need to comply with other state laws or regulations before issuing a Lake or Streambed Alteration Agreement?

Yes. The Department must comply with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000, et seq.) before it may issue a **final** Lake or Streambed Alteration Agreement. Issuance of a final Lake or Streambed Alteration Agreement occurs after the Department receives a **draft** Lake or Streambed Alteration Agreement from the applicant and the Department signs it. In many instances, the Department will receive a signed draft Lake or Streambed Alteration Agreement from an applicant before the lead agency has fully complied with CEQA. In those instances, the Department must wait for the lead agency to fully comply with CEQA before it may sign the draft Lake or Streambed Alteration Agreement, thereby making it final.

Under CEQA, the “lead agency” is the local or state governmental agency that has the principal responsibility for carrying out or approving the activity. All other local or state agencies with discretionary approval authority are “responsible agencies.”

The lead agency must determine first whether the activity is exempt from CEQA. If the activity is not exempt, the lead agency must prepare an environmental document, which will be a negative declaration, a mitigated negative declaration, or an environmental impact report. A lead agency is entitled to recover all of its CEQA-related costs from the applicant. If the Department acts as the lead agency for the activity your draft agreement covers, it will instruct you to submit an initial deposit to cover its initial CEQA-related costs. The deposit and any further CEQA-related costs will be in addition to your notification fee.

If the Department is a responsible agency, you must submit with your notification package a copy of any document prepared by the lead agency pursuant to CEQA, if one already has been prepared. You must also identify in your notification package the lead agency. Also, Fish and Game Code section 711.4 requires the lead agency to collect a fee on behalf of the Department whenever the lead agency prepares an environmental document, unless the activity is exempt from the fee. If the lead agency prepares a negative or mitigated negative declaration, the fee is \$1,250. If the lead agency prepares an environmental impact report, the fee is \$850.

For a detailed explanation of CEQA, you should consult the statute itself, the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) that implement CEQA, and CEQA handbooks and guides. CEQA and the CEQA Guidelines are available at [www.ceres.ca.gov/planning](http://www.ceres.ca.gov/planning).

5. Should I contact other governmental agencies regarding my proposed activity?

Depending on the activity you are proposing, in addition to a Lake or Streambed Alteration Agreement, you might need to obtain a permit, agreement, or other

authorization from one or more governmental agencies. You should first contact your city and county planning departments to determine whether you need to obtain any local permits. The state and federal agencies listed below might also have permitting authority over your activity. You should contact these agencies if you are not familiar with their permitting requirements.

#### State agencies

- Coastal Commission
- Department of Conservation
- Department of Forestry
- Department of Water Resources
- Regional Water Quality Control Boards
- State Lands Commission
- State Water Resources Control Board

#### Federal agencies

- NOAA Fisheries
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Forest Service

6. Do I need to notify the Department or obtain a Lake or Streambed Alteration Agreement for emergency work?

You do not need to notify the Department or obtain a Lake or Streambed Alteration Agreement before beginning the following emergency work: 1) immediate emergency work necessary to protect life or property; 2) immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which the Governor has proclaimed a state of emergency; and 3) emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, within the existing right-of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. Although notification is not required *before* beginning the emergency work, you must notify the Department in writing within 14 days *after* beginning the work.